

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Allen OSHIER

a.k.a. A.J. OSHIER

Defendant.

Case No. 8:24-MJ-530 (GLF)

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief. Between on or about October 29, 2024, through on or about November 10, 2024, in the county of St. Lawrence in the Northern District of New York, the defendants violated:

Code Section
8 U.S.C. § 1324(a)(1)(A)(v)(I)

Offense Description
Conspiracy to Bring Aliens

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

HSI Special Agent Thomas Keenan

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: November 14, 2024


Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

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This criminal complaint is based on these facts:

October 29, 2024:

On October 29, 2024, at approximately 2245 hours Border Patrol Agents (BPA) from the Massena Station were assisting local emergency rescue personnel at the Massena intake boat launch who received a 9-1-1 call from distressed boaters on the St. Lawrence River. Agents arrived on Long Sault Island, an island in St. Lawrence County in the Northern District of New York, where four individuals in visible distress were encountered on the shoreline next to their vessel. When questioned as to their respective citizenship and nationality status, A.W. and W.T.N.M. (collectively, "the aliens") stated they were citizens of the United Kingdom and had no legal documentation allowing them to be in or remain in the United States. The aliens stated they were picked up on the shoreline in Canada by the two men with them on Long Sault Island. Those men were identified as Brian DESHANE and Corbey TERRANCE. All four subjects were placed under arrested and transported to the Massena Border Patrol Station for processing. At the station, records checks confirmed that the two aliens were United Kingdom citizens, that they were in the United States illegally, and that they had no immigration documents or status allowing them to be legally present in the United States.

Both TERRANCE and DESHANE were separately read their *Miranda* warnings and agreed to speak to agents without a lawyer present. Both defendants separately stated they worked together at the direction of Allen (a.k.a. A.J.) OSHIER to pick up the aliens on the shore of Hoople Island, an island in Canada called just north of the international border. Both separately stated they knew the aliens were not U.S. Citizens and had no lawful authority to enter the United States. Both separately stated they were supposed to bring the aliens back to the Massena Intake boat launch where they had ground transport waiting for them.

TERRANCE stated this was the fifth time he had picked up people from Hoople Island for OSHIER and brought them to the Massena intake. TERRANCE stated he was paid \$500 and a half gram of fentanyl for each trip. DESHANE stated this was the second time he had picked up people from Hoople Island for OSHIER and brought them to the Massena intake. DESHANE stated he was paid in the form of narcotics each trip and was paid to work on the boats for the smuggling events. DESHANE also told investigators OSHIER sold him crack cocaine. DESHANE also stated OSHIER sells large quantities of narcotics, including cocaine, crack cocaine, and fentanyl.

DESHANE and TERRANCE were using a 1988 Bayliner boat during the smuggling attempt that resulted in their arrest. The boat was seized by law enforcement pursuant to their arrests. Special Agents with HSI and Border Patrol Agents had seen this boat parked at 292 Kingsley Road, Massena, New York (residence of OSHIER) on numerous occasions. DESHANE and TERRANCE both stated to investigators OSHIER had provided the boat for their smuggling operations. Investigative efforts based on historical video surveillance and statements from TERRANCE indicate boat was used on at least three (3) previous alien smuggling attempts.

November 6, 2024:

On November 6, 2024, at approximately 2:55 pm, Swanton Sector Border Patrol Dispatch (KAD-640) notified BPA assigned to the Burke Border Patrol Station that five (5) subjects were detected via camera activation walking across the international border from Canada into the United States near Frontier Road in Churubusco, New York. At the Burke Border Patrol Station, a Supervisory Border Patrol Agent (SBPA) reviewed photos of surrounding border camera activations and discovered a black Jeep SUV in the area and notified Burke agents. Border camera activations showed the black Jeep SUV travelled eastbound on Frontier Road at approximately 2:50 pm and back westbound at approximately one minute later and was observed leaving the area at

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approximately 2:57 pm travelling westbound on Frontier Road.

At approximately 3:13 pm, a BPA – Intelligence (BPA-I) was travelling eastbound in an unmarked service vehicle on US 11 and observed a black Jeep Cherokee bearing New York license plate KVK 4338 that matched the description of border camera activations travelling westbound on US 11 near the intersection of US 11 and State Route 122 near Burke, New York. The BPA-I contacted another BPA who was parked in an unmarked vehicle at Rovito's Auto. The BPA parked at Rovito's Auto was able to observe numerous occupants in the black Jeep SUV as it passed his location. Agents followed the vehicle into the town of Malone, New York and radioed to Burke agents of their locations. The black Jeep SUV continued westbound on US-11 and the driver of the jeep turned into US-11 side of Walgreens' parking lot in Malone and travelled to State Route (SR)-37 side of the parking lot. Agents continued on US-11, turned right onto SR-37, and encountered the black Jeep SUV pulling out of the Walgreens parking lot on SR-37 heading towards Westville, New York. Agents were able to observe a male driver and front seat passenger and an adult female, adult male, and several small children in the back seat of the vehicle, consistent with the five subjects that were captured on cameras in Churubusco, New York.

At approximately 3:40 pm, a BPA in a marked Border Patrol Service vehicle, who was responding to the activity, conducted a vehicle stop on the black Jeep SUV on SR-37 near Spaulding Pool and Spa business on SR-37 in the town of Malone. Agents approached the vehicle and identified himself as a BPA and questioned the occupants of the vehicle regarding their citizenship. The driver was later identified as Scott DAVISON, and the front seat passenger was later identified as Jonathan POPIEL. Both subjects claimed to be United States citizens and handed Agents their New York State driver's licenses. DAVISON stated to agents that he just picked up his friends from a Stewart's gas station and was giving them a ride. One of the back seat passengers, later identified with initials E.C., handed agents two US passports for two of her children and claimed she was born in Ireland and a citizen of Ireland. Agents questioned the other adult back seat passenger, later identified as Andrew CASH, regarding his citizenship and he also claimed to be a citizen of Ireland and admitted that he and his family just crossed the border from Canada into the United States. CASH and E.C. stated that the third child was a Canadian citizen. At this time, all seven subjects in the Jeep were detained and transported to the Burke Border Patrol Station for further record checks, interviews and processing.

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases for all seven subjects. Record checks revealed that DAVISON and POPIEL are United States citizens. Record checks revealed that CASH and E.C. are citizens of Ireland, with no documentation to be in, passthrough, or remain in the United States legally. Record checks also revealed that CASH had a full extraditable warrant out of Cambridge, Massachusetts.

At the station, DAVISON was read his *Miranda* rights and agreed to speak with agents without an attorney present. DAVISON stated that he was going to be paid \$100 U.S. dollars for the trip by the coordinator of the event, Allen OSHIER, and he was instructed to take the people to a hotel in Massena, New York. DAVISON provided consent to agents to search his cell phone and showed agents a location pin on Facebook messenger of Frontier Road in Churubusco, New York where he was to pick the people up. DAVISON said he was separately paid \$1,000 Canadian dollars by CASH in exchange for agreeing to take CASH to New Jersey. DAVISON stated that POPIEL was supposed to be paid \$500 dollars for his involvement. DAVISON admitted that he knew what he was doing was wrong and that he should not have been doing it. DAVISON stated Allen OSHIER had paid them to pick up the aliens. Investigators subsequently viewed electronic messages on the cell phone of DAVISON between OSHIER and DAVISON. OSHIER instructed DAVISON to bring the non-citizens to a hotel in Massena.

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At the station, POPIEL was read his *Miranda* rights and agreed to speak with agents without an attorney present. POPIEL stated that he was supposed to be paid \$250 dollars to bring the people from Chateaugay, New York to Massena, New York. POPIEL said he was provided a location on where to pick the people up. POPIEL stated that he was told by the coordinator of the event that he would be "moving" Irish citizens. POPIEL stated he and DAVISON were also compensated by OSHIER with crack cocaine (or similar narcotic) that they both smoked prior to smuggling the non-citizens.

At the station, CASH was read his *Miranda* rights and agreed to answer questions without an attorney present. CASH said he was charged \$3,500 Canadian dollars to be smuggled into the United States. CASH stated that he received DAVISON's phone number from a coordinator, "A.J." CASH stated that he deleted all contacts with A.J. when he was pulled over, out of fear of retribution if the information was found. CASH stated that he and his family were travelling to New York City or Boston to look for work. CASH believed he was going to be transported to A.J.'s residence at 292 Kingsley Road, Massena, New York, to pay.

November 7, 2024:

On Thursday, November 7, 2024, BPA from the Massena Border Patrol Station had received information from a Source of Information (SOI) that OSHIER was going to attempt to smuggle approximately fifteen (15) undocumented non-citizens into the United States from Canada. OSHIER was now using a public boat launch referred to as the Wilson Hill Boat Launch, located in Massena, New York. Investigators began surveilling 292 Kingsley Road (OSHIER'S residence) and the Wilson Hill Boat Launch based on this information. The information included that the smugglers had procured a predominantly white 1990s model Sunray boat. This matched information provided to Massena Border Patrol Agents from a concerned citizen earlier in the day, stating that a Sunray boat was tied off at the Wilson Hill Boat Launch with no persons around it and no docks in the water.

On November 7, at approximately 4:00 p.m., BPA began looking for the boat in question. At approximately 4:48 p.m., investigators observed three vehicles depart 292 Kingsley Road, the residence of OSHIER. A black Chevrolet Blazer (or like model) towing a boat, a maroon Chevrolet Impala (or like model), and a maroon Jeep SUV (or like model) were observed departing OSHIER's residence in tandem. At approximately 4:55 p.m., all three vehicles were observed arriving to the Wilson Hill Boat Launch. At approximately 5:10 p.m., investigators observed the vessel traveling northeast on the St. Lawrence River, traveling toward Canada. One male and one female subject were observed leaving the launch in the boat and traveling north into international waters. Approximately one hour later, a 9-1-1 distress call was placed by an individual identified as Tamee ROOD, stating that her boat was broken down and she was stranded in the St. Lawrence River. The Massena Rescue dive team located the boat, along with two persons, one being ROOD and the other identified as Robert LAROCK, and towed them to safety at the Barnhart Island Boat Launch.

Throughout the event, from approximately 3:30 p.m. until 7:09 p.m., investigators received information from the SOI concerning the ongoing smuggling attempt. At approximately 5:30 p.m., the SOI stated to investigators the "load" vehicles returned to OSHIER's residence and were waiting for a call from the smuggling vessel. SOI stated upon receiving the call from the vessel, the load vehicles would return to Wilson Hill Boat Launch, load the aliens, and depart. Investigators learned from the SOI that OSHIER was distraught about the failed attempt. OSHIER was attempting to make as much money as possible because he feared law enforcement would be onto him and that he would be leaving town once he had acquired the necessary funds.

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On November 8, 2024, at approximately 4:00 p.m., BPA went to the Barnhart Island Boat Launch and observed LAROCK and ROOD working on the propeller of the boat in question. Furthermore, BPA observed a maroon in color Jeep Patriot bearing New York license plates KFD 9255. ROOD stated that the vehicle belonged to her and her common law husband, LAROCK. Approximately two hours later, ROOD again contacted 9-1-1 dispatch, stating she was in distress again in the St. Lawrence River with LAROCK. Both subjects, along with the same boat, were again towed to shore at Barnhart Island. BPA overheard ROOD and LAROCK talking with New York State Police, stating they were done with that boat, or words to that effect.

November 9, 2024:

On Saturday, November 9, 2024, an individual later identified as Brent PELKEY was observed gassing up a boat at the Wilson Hill Boat Launch. The boat launched and headed north towards international waters. Border Patrol surveillance near Wilson Hill later observed a group of approximately fourteen (14) subjects emerge from the boat launch and run to multiple vehicles, including a maroon Jeep and a maroon Toyota Prius. Although the individuals were gone by the time BPA responded, BPA were able to observe a new boat, a black-over-white Sunray bearing vessel number 21E16121, along with numerous life vests laying on the boat ramp. Taken together with the surveillance, this was indicative of alien smuggling and people running to a getaway vehicle quickly.

November 10, 2024:

On Sunday, November 10, 2024, BPA conducted surveillance of the Wilson Hill Boat Launch and saw that the Sunray boat used on the previous day was still tied off, leading them to believe it would be utilized again on this date for a human smuggling event. At approximately 2:49 p.m., BPA observed a maroon Jeep pull up to the boat launch. A short time later, three subjects (two males and one female) emerged from the vehicle and walked towards the boat in question. At approximately 3:30 p.m., Massena Border Patrol Agents were able to confirm through electronic surveillance that the Sunray boat was no longer tied off at the launch. Furthermore, one subject, later identified as PELKEY, filled the boat with gas prior to the boat's departure from the Wilson Hill Boat Launch. The boat then traveled northbound towards international waters. PELKEY then entered the maroon Jeep immediately after gassing up and exiting the boat. PELKEY remained within the Jeep after the boat left. Border Patrol Agents were able to confirm that the Jeep parked at the launch was the same Jeep known to be operated by ROOD and LAROCK.

At approximately 3:55 p.m. on November 10, BPA observed the boat in question traveling southbound towards the launch. A few minutes later, with the boat not making it back to the launch despite ample time to do so, BPA observed the boat near the southeastern corner of Wilson Hill Island in the Northern District of New York. It appeared the boat was either broken down or stuck. Then multiple subjects were observed leaving the boat and walking onto Wilson Hill Island along the sandbar.

At approximately 4:10 p.m., a Massena Border Patrol Agent apprehended a group of nine individuals in the dense vegetation on Wilson Hill Island, a few hundred yards west of where the boat was stranded. When questioned as to their citizenship and nationality status, the aliens stated they were citizens of the United Kingdom and had no legal documentation allowing them to be in, enter, or remain in the United States. When they were apprehended, the aliens were observed to have wet clothing, as though they had just swum or waded through the water. The aliens stated that they were picked up on the Canadian shoreline by one male and one

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female boat driver and brought across the river to the point where the boat was stranded. They were then made to leave the boat and walk or wade through water to shore, prior to being apprehended.

Simultaneously, another BPA encountered ROOD and LAROCK walking westbound a few hundred yards south of where the nine United Kingdom citizens were arrested. BPA detained ROOD and LAROCK. At the same time, a separate BPA approached the maroon Jeep and detained PELKEY, who was wearing the same clothing he was observed by surveillance to be wearing during the event on November 9, 2024. All twelve subjects, the maroon Jeep, and the Sunray boat were transported to the Massena Border Patrol Station for processing. At the station, records checks confirmed that the nine aliens were in the United States illegally, and that they had no immigration documents or status allowing them to be legally present in the United States.

November 13, 2024:

On November 13th, 2024, at approximately 6:50 a.m., HSI Special Agents, Task Force Officers, and Agents with United States Border Patrol executed a search warrant at 292 Kingsley Road, Massena, New York (OSHIER's residence). During the execution of the search warrant, investigators seized items indicative of alien smuggling, such as a boat trailer, life jackets, a broken boat propeller, and cellular phones. Investigators also seized approximately 20 grams of a white substance, in pill and powder form, that field-tested positive for methamphetamine.

OSHIER was present at the residence when the search commenced. OSHIER was read *Miranda* rights and agreed to speak with investigators without an attorney present. The interview was audio recorded. OSHIER was informed other individuals recently arrested for smuggling aliens had indicated OSHIER was responsible for planning the smuggling events. OSHIER stated it was not just him, and other individuals were involved with smuggling aliens as well. OSHIER admitted he had been a part of multiple alien smuggling events. OSHIER referred to them as "Irish people." OSHIER told investigators he became involved with smuggling aliens approximately one month ago. An unnamed subject approached OSHIER about smuggling aliens. OSHIER would not provide the name of the individual.

OSHIER stated a separate individual (COCONSPIRATOR-1) would contact OSHIER and other individuals when aliens needed to be smuggled into the United States from Canada. OSHIER stated individuals who wanted to be smuggled into the United States would contact COCONSPIRATOR-1. In turn, COCONSPIRATOR-1 would contact OSHIER or other un-named coconspirators to arrange smuggling. OSHIER stated he believed some of the "Irish" (aliens) were involved with criminal activity. Once OSHIER and other coconspirators transported the aliens to the United States from Canada, the aliens would move to other locations. OSHIER stated aliens mostly went to New York City, but also said some aliens were transported to Boston.

OSHIER stated he would get a call from COCONSPIRATOR-1 and "get the boat ready," or words to that effect, in preparation. OSHIER would ask COCONSPIRATOR-1 how many people would be transported and would make appropriate arrangements for transportation and boat space. OSHIER was paid in cash for his role. The aliens would have cash on their person when they were smuggled and would give the cash to other coconspirators. OSHIER would receive cash payment after the fact from coconspirators who received the cash from the aliens. OSHIER believes other unnamed coconspirators were paid with Venmo, or other similar wire transfer services.

The search warrant executed by investigators included cellular phones as items that were able to be seized. OSHIER stated he would show investigators COCONSPIRATOR-1's phone number and contact information

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on WhatsApp. COCONSPIRATOR-1 was listed as “Elevated Roofing and Siding” on WhatsApp in OSHIER’S phone.